

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
ACTING PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

November 5, 2012
3:12 p.m.

REGAL REPORTING SERVICES
516-747-7353

A P P E A R A N C E S:

NORMA GONSALVES
Chairwoman

HOWARD KOPEL
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER (Not Present)

RICHARD NICOLELLO (Sitting in for Rose Marie Walker)

KEVAN ABRAHAMS
Ranking

JUDY JACOBS (Arrived at 4:52 p.m.)

WAYNE WINK

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

GREG MAY. 6
GREG STEPHANOFF 6
KEN ARNOLD. 8

INSERTS TO TRANSCRIPT

Page 26, Line 16 - Page 47, Line 6
Page 48, Line 9 - Page 58, Line 7
Page 73, Line 10 - Page 86, Line 23

2 CHAIRWOMAN GONSALVES: Everyone stand so
3 we can recite the Pledge of Allegiance.

4 (Whereupon, the Pledge of Allegiance was
5 recited.)

6 CHAIRWOMAN GONSALVES: Mr. Muller, call
7 the roll, please.

8 CLERK MULLER: Yes. Thank you.
9 Legislator Wink?

10 LEGISLATOR WINK: Here.

11 CLERK MULLER: Legislator Jacobs?

12 LEGISLATOR JACOBS: Here.

13 CLERK MULLER: Ranking Member Abrahams?
14 I believe he's here.

15 Legislator Nicoletto, substituting for
16 Legislator Walker?

17 LEGISLATOR NICOLELLO: Here.

18 CLERK MULLER: Legislator Dunne?

19 LEGISLATOR DUNNE: Here.

20 CLERK MULLER: Vice Chairman Kopel?

21 LEGISLATOR KOPEL: Here.

22 CLERK MULLER: Chairwoman Gonsalves?

23 CHAIRWOMAN GONSALVES: Present.

24 CLERK MULLER: We have a quorum.

25 As we normally do, we'll begin with the

2 contracts on the Rules agenda. I would ask that
3 at this particular time that we have a motion to
4 suspend the rules.

5 LEGISLATOR KOPEL: So moved.

6 CHAIRWOMAN GONSALVES: Mr. Kopel, and a
7 second? All those in favor of suspending the
8 rules say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The rules -- the motion carries.

13 The first item is Item A-36-12. I think,
14 Mr. Muller, are you ready?

15 CLERK MULLER: Sure. A-36-12, a
16 resolution authorizing the director of Nassau
17 County Office of Purchasing to award and execute
18 a contract between the County of Nassau, acting
19 on behalf of the Nassau County Police Department
20 Communications Bureau and Intergraph Corporation.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR KOPEL: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator Kopel.

25 Who is here to speak on this one, Mr.

2 May?

3 MR. MAY: Sergeant Gregory Stephanoff
4 from the Police Department.

5 CHAIRWOMAN GONSALVES: Welcome,
6 Sergeant.

7 SERGEANT STEPHANOFF: Good afternoon.
8 Sergeant Greg Stephanoff from Nassau County
9 Police.

10 This is to execute a purchase order
11 between the Nassau County Police Department and
12 Intergraph. Intergraph Counter MS is our
13 computer aided dispatch. It takes in the 9-11
14 calls from the operators, and it also assists the
15 CB operators in dispatching the calls, and it's
16 also a records management system that keeps track
17 of all the calls, as well.

18 This contract is for 24 hours, seven day
19 support. It also provides -- includes
20 commercial, off-the-shelf software, third-party
21 products, custom interface software services, and
22 multi-vendor services. Intergraph maintenance is
23 essential for the uninterrupted operation of the
24 Nassau County Police Department 9-11 system.

25 We use this system up and running with

2 the hurricane, and currently we're also assisting
3 Long Beach in taking the 9-11 calls and assisting
4 them with dispatching.

5 CHAIRWOMAN GONSALVES: Any questions of
6 the Sergeant?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 There being none. All those in favor
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Motion carries unanimously.

16 A-38-12, a resolution authorizing the
17 director of Nassau County Office of Purchasing to
18 award and execute a contract between the County
19 of Nassau, acting on behalf of Nassau County
20 Department of Public Works and Ultimate Power
21 Inc.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: So moved by

25 Legislator Dunne, seconded by Legislator Kopel.

2 MR. MAY: We have Mr. Ken Arnold from
3 DPW.

4 Madam Chairwoman, would we also be able
5 to call A-40, which Mr. Arnold is here for as
6 well?

7 CLERK MULLER: A-40-12, a resolution
8 authorizing the director of Nassau County Office
9 of Purchasing to award and execute a contract
10 between the County of Nassau, acting on behalf of
11 Nassau County Department of Public Works and
12 Looks Great Service, Inc.

13 CHAIRWOMAN GONSALVES: Mr. Arnold.

14 MR. ARNOLD: Kenneth Arnold, Nassau
15 County Department of Public Works.

16 CHAIRWOMAN GONSALVES: Hold on. We need
17 a motion for that item.

18 Moved by Legislator Dunne, seconded by
19 Legislator Kopel.

20 Okay. Mr. Arnold.

21 MR. ARNOLD: A-38 is a maintenance
22 contract for our large air conditioning units
23 throughout the county. It supports our
24 facilities management people in repairing and
25 maintaining these units.

2 A-40 is our tree pruning and stump
3 removal contract that is used on trees and parks
4 and county roads that are beyond the ability and
5 equipment of our own maintenance facilities.

6 CHAIRWOMAN GONSALVES: Any questions of
7 Mr. Arnold?

8 LEGISLATOR DUNNE: They're working for
9 us right now?

10 MR. ARNOLD: Looks Great is also our
11 debris management contractor, and, yes, they have
12 multiple forces out doing debris removal on
13 county roads as a result of the hurricane, along
14 with our own maintenance people, yes.

15 LEGISLATOR DUNNE: Are you satisfied
16 with what they're doing right now?

17 MR. ARNOLD: Yes.

18 LEGISLATOR DUNNE: Okay. It's
19 important. Thank you.

20 CHAIRWOMAN GONSALVES: Mr. Kopel.

21 LEGISLATOR KOPEL: Mr. Arnold, on the
22 air conditioning, it says exceeds 100,000. By
23 how much?

24 MR. ARNOLD: I don't have the exact
25 number of what our annual outlay for this

2 contractor is.

3 LEGISLATOR KOPEL: Are we authorizing a
4 million, two million, or ten million?

5 MR. ARNOLD: It's all based on what
6 units go down. In a typical year we will exceed
7 \$100,000 in maintenance. But it's not in
8 millions because my budget wouldn't support
9 something that large.

10 LEGISLATOR KOPEL: So this is within
11 your allocated funds.

12 MR. ARNOLD: Our approved budget, yes.

13 LEGISLATOR KOPEL: Okay. Fine. You say
14 you had two lower bids. Were these much lower,
15 the ones that were disqualified for poor
16 performance? I guess it's on an hourly basis.

17 MR. ARNOLD: I'm covering for other
18 people today because we have our forces out. I'm
19 not sure how much lower those bids were. I could
20 look into that and get back to you.

21 LEGISLATOR KOPEL: Okay. Thank you.

22 CHAIRWOMAN GONSALVES: I believe from
23 the backup that the others were denied primarily
24 because of a poor performance --

25 MR. ARNOLD: Yes, that's correct.

2 CHAIRWOMAN GONSALVES: Thank you.

3 Any other questions from the legislators?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 I'm going to ask for a vote on each of
8 these items separately.

9 Item A-38-12, all those in favor signify
10 by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The motion carries unanimously.

15 Item A-40, all those in favor of Item A-
16 40 signify by saying yes or aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The motion carries unanimously.

21 We have one more item under the A
22 contracts, and that is Item A-39-12.

23 CLERK MULLER: A resolution authorizing
24 the director of Nassau County Office of
25 Purchasing to award and execute a contract

2 between the County of Nassau, acting on behalf of
3 the Nassau County Correctional Center, and Cream-
4 O-Land Dairies, LLC.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator Kopel.

9 Mr. May.

10 MR. MAY: Normally we have Captain Keith
11 Sather from the corrections facility to come here
12 today. However, he has some medical issues that
13 he is having taken care of today, so I will be
14 handling questions on this item.

15 This is the 2013 dairy contract for the
16 jail. The vendor will be providing dairy
17 services for both the inmates as well as the
18 corrections officers.

19 CHAIRWOMAN GONSALVES: Any questions of
20 Mr. May?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 There being none. All those in favor of
25 this item signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Motion carries unanimously.

6 Now, I'm going to ask for a motion to un-
7 table Item E-175. Motion to un-table this item,
8 please?

9 LEGISLATOR KOPEL: So moved.

10 LEGISLATOR DUNNE: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Kopel, seconded by Legislator Dunne.

13 All those in favor of un-tabling E-175
14 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Read the item for us, Mr. Muller, please.

19 CLERK MULLER: A resolution authorizing
20 the county executive to execute a personal
21 services agreement between the County of Nassau
22 acting on behalf of the Department of Public
23 Works and Hazen & Sawyer. P.C.

24 CHAIRWOMAN GONSALVES: I need a motion
25 for the item, please.

2 LEGISLATOR NICOLELLO: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Nicoletto, seconded by Legislator
6 Kopel.

7 Any questions from the legislators?

8 LEGISLATOR KOPEL: Is anyone here?

9 CHAIRWOMAN GONSALVES: Anybody here to
10 speak on this item? Mr. Arnold, are you here for
11 this as well?

12 MR. ARNOLD: This item is for
13 construction management services for the digester
14 cleaning contract at Bay Park. The consultant
15 will provide resident engineering and inspectors
16 while the department has a special contractor
17 clean out the digesters, which is critical for
18 plant operation.

19 CHAIRWOMAN GONSALVES: Legislator Kopel
20 I'm sure has a question of you, Mr. Arnold.

21 LEGISLATOR KOPEL: Yeah. Being that the
22 Bay Park was substantially knocked out of service
23 at this point, what does that do to this
24 contract? Can this contract proceed
25 simultaneously with fixing the plant? Has it

2 been made worse by the situation? Can you give
3 me a feel for this?

4 MR. ARNOLD: Discussions are ongoing
5 right now whether we will expedite this contract
6 and start it immediately, while the plant is
7 actually in limited service because there will be
8 less disruptions as we do this work. So there is
9 a good chance that we'll be initiating this
10 contract this week or next, to move it forward.

11 LEGISLATOR KOPEL: Off the subject a
12 little bit. But how is that going there at the
13 plant? Do you have any good intelligence on
14 that?

15 MR. ARNOLD: Bay Park has influent flow
16 right now. We're pumping sewage through the
17 plant, chlorinating it, and discharging it into
18 Reynold's Channel and East Rockaway Channel. We
19 have multiple engineers and contractors on the
20 site performing Yeoman's work to get the plant
21 up. As DEC told us, it's miraculous what we got
22 accomplished so far, knowing the condition of the
23 plant.

24 LEGISLATOR KOPEL: Do we have any idea
25 how long it might take to get this operating

2 reasonably well?

3 MR. ARNOLD: At this point, I would
4 hesitate to say anything. I would just say that
5 power's being restored. Of the six substations
6 on the plant, I think we have power now at four
7 of the six and one other one should come on
8 today.

9 LEGISLATOR KOPEL: And we've got on-site
10 generation as well.

11 MR. ARNOLD: We have -- it's already
12 onsite generation. There is --

13 LEGISLATOR KOPEL: Mostly.

14 MR. ARNOLD: The plant is being powered
15 by backup generators. The big issue we had at
16 the plant was water getting into switch gear,
17 substations, and motors. The substations, of the
18 six, I believe four or five will be up and
19 running at the end of today. Now we need to go
20 through each piece of equipment and dry out and
21 assess the damage to each piece of equipment.

22 LEGISLATOR KOPEL: Right. Thank you.

23 LEGISLATOR DUNNE: Just on that line,
24 if I may.

25 CHAIRWOMAN GONSALVES: Okay. Legislator

2 Dunne.

3 LEGISLATOR DUNNE: Do we take Long
4 Beach's sewage also or no?

5 MR. ARNOLD: We do not take Long Beach
6 sewage. Actually, we send some sewage to Long
7 Beach out of our Lido area. That is also
8 something -- ongoing discussions with the people
9 there.

10 LEGISLATOR DUNNE: The reason I say
11 this is that when I saw on television, you see
12 the devastation of the beach, covered almost the
13 whole island and parts of other parts of Nassau
14 County. The sand from the beach is a lot more
15 fine than the sand that we use on the roads for
16 traction in the winter. The grit tanks are for
17 the sand from the roads, right? That fine sand,
18 is that going to be able to go through and cause
19 problems with our gears further down the road,
20 further down the process?

21 MR. ARNOLD: At this point, I'd have to
22 take that back to the team of the impacts of that
23 sand. We're finding that even our traffic
24 control equipment is full of sand down in Long
25 Beach and Island Park. So I would think sand in

2 the system is something that's going to need to
3 be flushed out and cleaned, along with our
4 drainage systems and our traffic equipment, also.
5 Sand's going to be a huge issue for us down in
6 that area.

7 LEGISLATOR DUNNE: It's a totally
8 different kind of sand than we use on the road.
9 I don't know if the grit tanks are equipped to do
10 that. Would you find out for me and let me know?

11 MR. ARNOLD: If not the grit tanks, the
12 primary tanks will pick up that sand. The
13 primary tanks take much lighter material and
14 settle it out. Once those are up and running --
15 if the sand passes through the grit tank, which
16 is for larger particles, the primary tanks or
17 even the final tanks, in that matter, will
18 collect the sand at the end.

19 LEGISLATOR DUNNE: Okay. Thank you.

20 CHAIRWOMAN GONSALVES: Legislator
21 Abrahams.

22 LEGISLATOR ABRAHAMS: Hey, Ken. How are
23 you? I just have some brief questions.
24 Obviously, I want to piggyback on what Legislator
25 Dunne had started to discuss and what Legislator

2 Kopel had started talking to in regards to the
3 operation of the actual facility.

4 This particular contract, which is for
5 the digester cleaning as well as the repair
6 contract, this type of service that's being
7 provided, when was the last time this was done?

8 MR. ARNOLD: I guess the cleaning at the
9 plants probably has not been done, I want to say
10 in the mid to early 90's.

11 LEGISLATOR ABRAHAMS: Mid to early 90's?

12 MR. ARNOLD: Yes.

13 LEGISLATOR ABRAHAMS: It's recommended
14 that it should be done -- what's the frequency?

15 MR. ARNOLD: Every ten years.

16 LEGISLATOR ABRAHAMS: So we're about ten
17 years off?

18 MR. ARNOLD: Yes. One problem we have
19 with digester cleaning, it interrupts a lot of
20 plant processes. There's a time to do it and a
21 time not to do it. Bay Park, in the last three
22 years, we've been addressing other issues at the
23 plant that needed to come before the digesters
24 were cleaned.

25 LEGISLATOR ABRAHAMS: So, we went

2 through a couple of periods when the digesters
3 should have been done and weren't. Was there a
4 time when we had to talk about repairing them?

5 MR. ARNOLD: Digester cleaning has been
6 on the agenda for Bay Park and Cedar Creek for
7 the last couple of years. It's just a matter of
8 timing, on when we could get out there and do
9 them without interrupting other processes that
10 rely on digesters.

11 LEGISLATOR ABRAHAMS: What I'm -- is it
12 an issue that we're trying to clean something
13 that should be replaced?

14 MR. ARNOLD: No. The tanks, themselves,
15 are concrete tanks. They would not be replaced.
16 If any equipment is inside those digesters that
17 have a shorter life than the tanks, that will be
18 evaluated as part of this and would be addressed.
19 If a heat exchanger or valve or anything in the
20 tank that needs to be taken care of, it will be
21 done as part of this contract. But the main
22 focus of the contract is to get all the material
23 out of those tanks, recertify the tanks, and put
24 them back in service.

25 LEGISLATOR ABRAHAMS: I see. I see.

2 Thank you.

3 CHAIRWOMAN GONSALVES: Mr. Arnold, you
4 said that the cleaning process should be taken
5 care of every ten years. It seems that it's well
6 overdue. The last time we were supposed to do
7 this should have been in 2002, correct?

8 MR. ARNOLD: Approximately, yes.

9 CHAIRWOMAN GONSALVES: Hopefully we'll
10 stay on it this time.

11 LEGISLATOR WINK: Legislator Gonsalves,
12 I have a quick question.

13 CHAIRWOMAN GONSALVES: Sure. Mr. Wink.

14 LEGISLATOR WINK: Mr. Arnold, are the
15 digesters currently in operation at all?

16 MR. ARNOLD: Currently, at Bay Park
17 there are no processes in operation other than
18 influent pumping and chlorination. Prior to the
19 storm, yes, the digesters were in operation.
20 Their capacity was not 100 percent of, you know,
21 methane production. They were doing their jobs.
22 Remember, we have redundant equipment at the
23 plant.

24 LEGISLATOR WINK: Do we?

25 MR. ARNOLD: Yes.

2 LEGISLATOR WINK: I mean, I know one of
3 the problems over the years has been the
4 redundancy has kind of fallen away.

5 MR. ARNOLD: We're utilizing more of the
6 redundancy than we want to, which is why we need
7 to get these things cleaned.

8 LEGISLATOR WINK: What is the timeframe?
9 If this contract is approved today, what's the
10 timeframe for the work to be done and will it be
11 within a sufficient period of time to get the
12 treatment plant back up and running?

13 MR. ARNOLD: The digester work is
14 associated with the hurricane issue but not
15 directly tied to it. We would look to take the
16 use of the fact that the plant is down.
17 Remember, anything that we do at the plant, the
18 plant's up and running at 100 percent requires
19 what we call MOPUM, operation methods. If you
20 take something down, it impacts something else.
21 Working on the digesters, there's a lot of
22 coordination with other things that have to
23 happen. Being that the plant is totally out of
24 service, we can get some of this work done more
25 expeditiously than we would have otherwise, which

2 is why we're looking to take this opportunity to
3 move forward now.

4 LEGISLATOR WINK: Thank you very much,
5 Mr. Arnold.

6 CHAIRWOMAN GONSALVES: Any other
7 legislator?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none. All those in favor of
12 this item signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 Motion carries unanimously.

17 We will now recess. And the next
18 committee is Public Safety, I believe. Thank
19 you.

20 (Whereupon, the Rules Committee recessed
21 at 3:31 p.m.)

22 (Whereupon, the Rules Committee
23 reconvened at 4:52 p.m.)

24 CHAIRWOMAN GONSALVES: We will
25 reconvene.

2 With the permission of the Minority, we
3 will block a number of items which have gone
4 through the different committees, and the
5 testimony from those committees certainly will be
6 part of the Rules Committee.

7 We begin with Item 650, and hopefully I
8 don't have to read the item. Okay.

9 650-12, a resolution; 651, another
10 resolution; 652, another resolution; I'm going
11 through these as quickly as I can. 653-12, 654,
12 655, 656 I'm going to hold because that one was
13 voted four to three, so I'm not including that
14 one. I will call that separately. 657, 658,
15 659, 660, 661, 662, 663, and 665, 666, 667, 668,
16 670, and that's it.

17 LEGISLATOR JACOBS: Norma? Excuse me.
18 Could you just mention that I'm here.

19 CHAIRWOMAN GONSALVES: With pleasure.
20 Absolutely. Nice to see you, Judy.

21 LEGISLATOR JACOBS: Good to see you,
22 too.

23 CHAIRWOMAN GONSALVES: Legislator Jacobs
24 is here.

25 All those items that I called, please,

2 someone make a motion.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Motion by
6 Legislator Kopel, seconded by Legislator
7 Nicolello.

8 Since we had discussion and I asked for
9 all the testimony from the previous committee to
10 be incorporated into the Rules Committee.

11 (Whereupon, the following are the minutes
12 of the November 5, 2012, Public Safety Committee
13 pertaining to Clerk Item Numbers 665, 657, 658,
14 659, 660, 661, 662, 663, 665, 666, 667, and 668-
15 12.)

16 The first item on this committee is Item
17 655; it's an ordinance supplemental to the annual
18 appropriation ordinance in connection with the
19 Office of the District Attorney.

20 And we have from the district attorney's
21 office?

22 MR. MAY: Mr. Bob McManus.

23 CHAIRMAN DUNNE: May I have a motion on
24 this item?

25 LEGISLATOR WALKER: So moved.

2 LEGISLATOR BELESI: Second.

3 CHAIRMAN DUNNE: Rose Walker is the
4 motion, Joe Belesi seconded it.

5 MR. MCMANUS: Good afternoon. This item
6 is a supplemental appropriation for \$17,000 in
7 grant funding for the district attorney's office
8 to provide support for academic enrichment
9 programs for children from Hempstead Village
10 during after-school hours to hopefully deter
11 these children from gang involvement and other
12 unlawful and harmful activities.

13 CHAIRMAN DUNNE: Excellent. Thank you.

14 Are there any questions from any
15 legislator?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none. All in favor indicate
20 by saying aye.

21 (Aye.)

22 Any against?

23 (No verbal response.)

24 So rules. It will be passed on to
25 Finance.

2 MR. MCMANUS: Thank you.

3 CHAIRMAN DUNNE: Thank you.

4 The next item is Item 657, an ordinance
5 supplemental to the annual appropriations
6 ordinance in connection with the police
7 department.

8 We have one other police item, so we'll
9 call them both at the same time.

10 658, also, which is an ordinance
11 supplemental to the annual appropriation
12 ordinance in connection with the police
13 department.

14 We have a motion by Joe Belesi, seconded
15 by?

16 LEGISLATOR GONSALVES: Second.

17 CHAIRMAN DUNNE: Norma Gonsalves.

18 First we'll go over 657. Who do we have?

19 MR. MAY: Sergeant Greg Stephanoff.

20 MR. CONROY: Bob Conroy from OMB. This
21 supplemental appropriation is just required
22 because it's part of a board transfer where funds
23 were transferred -- appropriations were
24 transferred between funds.

25 CHAIRMAN DUNNE: Okay. And that's?

2 MR. CONROY: The board transfer's 670-
3 12; it's that number.

4 CHAIRMAN DUNNE: Now, that's on 657.
5 Are there any questions from any legislators?

6 LEGISLATOR DENENBERG: Yeah.

7 CHAIRMAN DUNNE: Legislator David
8 Denenberg.

9 LEGISLATOR DENENBERG: You can call me
10 Dave, that's fine. Anyway.

11 This is not 670-12, sir. This is 657-12.

12 MR. CONROY: Correct.

13 LEGISLATOR DENENBERG: So this is an
14 \$8.9 million supplemental appropriation to cover
15 police overtime, fringe benefit, gasoline,
16 automobile related expenses, radio and
17 telecommunication, ambulance billing, and lab
18 testing, correct?

19 MR. CONROY: Correct, yeah.

20 LEGISLATOR DENENBERG: And this is all
21 before the storm. This is an item that's not
22 storm related, correct?

23 MR. CONROY: That's correct.

24 LEGISLATOR DENENBERG: Okay. And the --
25 where's the money coming from? Just so you

2 understand, you confirmed where it's going, and
3 most of it's overtime, fringe benefits, and the
4 rest of it is for lab testing, ambulance billing,
5 etcetera. I thought ambulance billing actually
6 might make us money. But most of this is for
7 police overtime. I just want to know where it's
8 coming from.

9 SERGEANT STEPHANOFF: With respect to
10 the ambulance billing, it does make us money, but
11 the money goes in the revenue side and we have to
12 pay it on the contractual side.

13 LEGISLATOR DENENBERG: I understand.
14 But I'm just looking at 8.9 million, and the vast
15 majority of that's to cover overtime and fringe
16 benefits.

17 SERGEANT STEPHANOFF: This was going to
18 be a transfer for -- just to cover year-end. We
19 had a few shortfalls. It was accelerated because
20 of the hurricane.

21 LEGISLATOR DENENBERG: Actually, this
22 was filed before the hurricane the gentleman to
23 your left -- what was your name again? I'm sorry
24 if I have it wrong.

25 MR. CONROY: Bob Conroy.

2 LEGISLATOR DENENBERG: Bob Conway?

3 MR. CONROY: Conroy.

4 LEGISLATOR DENENBERG: Okay. I'm sorry,
5 Mr. Conroy. Mr. Conroy just said and confirmed
6 that this was before the storm.

7 SERGEANT STEPHANOFF: Yes. It was a
8 scheduled transfer to cover year-end shortages.

9 LEGISLATOR DENENBERG: But you just said
10 it had to do with the storm. This was filed --

11 SERGEANT STEPHANOFF: No. It was
12 accelerated --

13 LEGISLATOR DENENBERG: October 22.

14 SERGEANT STEPHANOFF: We just
15 accelerated it to cover this leg calendar.

16 LEGISLATOR DENENBERG: Okay. It was
17 filed on October 22. Do you disagree?

18 SERGEANT STEPHANOFF: No.

19 LEGISLATOR DENENBERG: The storm was
20 after October 22, was it not?

21 SERGEANT STEPHANOFF: Yes.

22 LEGISLATOR DENENBERG: Okay. So, again,
23 where is the money coming from?

24 MR. CONROY: Ultimately, from the
25 general fund.

2 LEGISLATOR GONSALVES: The general fund
3 debt service charge backs, correct?

4 MR. CONROY: That's correct.

5 LEGISLATOR DENENBERG: The debt service.
6 That would be from bonding either that didn't
7 happen or was over budgeted?

8 MR. CONROY: Yeah. Over budgeted. The
9 borrowing's less than budgeted and at lower
10 rates.

11 MR. MAY: Excuse me. Legislator
12 Denenberg, I just wanted to point out for the
13 record that the item was filed on October 31, not
14 on October 22.

15 LEGISLATOR DENENBERG: The date on the
16 item is October 22. The request -- okay. You're
17 right. It wasn't filed. The date of the request
18 is October 22, 2012.

19 MR. MAY: I don't dispute that. I'm
20 just saying you are stating for the record that
21 it was filed on October 22. It was filed on
22 October 31 --

23 LEGISLATOR DENENBERG: No. I think I
24 said the date of the request was October 22. But
25 if the record's wrong, I'll say it again. Am I

2 correct that the date of the request was October
3 22?

4 MR. MAY: The date of the request would
5 be October 22.

6 LEGISLATOR DENENBERG: So my concern is,
7 particularly how much of this goes to overtime,
8 salary, and benefits of the 8.9, based on the
9 breakout is well above what Mr. Sullivan said at
10 the last budget review hearing, which was -- I
11 think it was early August, first week of August.
12 This is way above what was anticipated less than
13 three months ago.

14 CHAIRMAN DUNNE: Point made. It's
15 coming out of the general fund. The point was
16 made. Any other questions, Mr. Denenberg?
17 Anything else?

18 LEGISLATOR DENENBERG: I had no other
19 questions. I --

20 CHAIRMAN DUNNE: Legislator Gonsalves,
21 do you want to ask something?

22 LEGISLATOR DENENBERG: think Mr. Wink
23 might.

24 LEGISLATOR GONSALVES: I added what I
25 had to add. Thank you.

2 CHAIRMAN DUNNE: Okay. Thank you.

3 Any public comment?

4 (No verbal response.)

5 There being none, all in favor indicate
6 by saying aye.

7 (Aye.)

8 Any against?

9 (No verbal response.)

10 So ruled.

11 Now we have a second --

12 LEGISLATOR DENENBERG: No. You have to
13 let us vote. You said all in favor? Yes.

14 CHAIRMAN DUNNE: I said all against.

15 LEGISLATOR DENENBERG: We abstain. And
16 the reason why we're abstaining is we'd like Mr.
17 Sullivan at Full Leg to explain why we're so far
18 over what he had said at the budget review
19 hearing in August. If it's late July, I'll stand
20 corrected. The last budget review hearing.

21 CHAIRMAN DUNNE: So noted.

22 Your explanation, was that just 657 or is
23 that 658 also?

24 MR. MAY: 658's a grant that we're
25 getting money for.

2 CHAIRMAN DUNNE: Now we're going to vote
3 on the grant.

4 Any questions on the grant?

5 (No verbal response.)

6 Is there any --

7 LEGISLATOR DENENBERG: Dennis, did you
8 call 658?

9 CHAIRMAN DUNNE: Yes, we called them
10 both together.

11 LEGISLATOR DENENBERG: Okay. Sorry.

12 CHAIRMAN DUNNE: Any questions on 658,
13 the grant?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 There being none, all in favor indicate
18 by saying aye.

19 (Aye.)

20 Any against?

21 (No verbal response.)

22 Any abstentions?

23 (No verbal response.)

24 I guess it's unanimous. Okay.

25 Now, Item 659-12, an ordinance

2 supplemental to the annual appropriations
3 ordinance in connection with the Office of
4 Emergency Management.

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN DUNNE: Motion by Legislator
8 Norma Gonsalves, seconded by Legislator Rose
9 Walker.

10 Okay. Who do we have to speak on the
11 item?

12 MR. MAY: Mr. Eric Zausner from the
13 Office of Emergency Management.

14 CHAIRMAN DUNNE: Okay.

15 MR. ZAUSMER: Good afternoon,
16 legislators. This is a -- Eric Zausner, Office
17 of Emergency Management. This is a grant that
18 Commissioner Kraft was able to secure for our
19 hazard mitigation program. FEMA requires that we
20 have a hazard mitigation program in place, a plan
21 in place, and this is a \$205,000 grant so that we
22 may hire vendor to write the plan. It requires a
23 25% match, which will be made up with our own
24 internal staffing.

25 CHAIRMAN DUNNE: Is there any question

2 from any of the legislators?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 There being none, all those in favor
7 indicate by saying aye.

8 (Aye.)

9 Any against?

10 (No verbal response.)

11 Any abstentions?

12 (No verbal response.)

13 There being none, it's unanimous.

14 Before you go, Eric, Legislator Rose
15 Walker would like to make a quick comment.

16 LEGISLATOR WALKER: I just want to share
17 with you, Eric. Thank you so much for all the
18 work you've been doing at OEM. I could tell you
19 that Eric didn't have a beard before the storm,
20 and he hasn't had much time to be home.

21 MR. ZAUSNER: Still without power,
22 Legislator.

23 LEGISLATOR WALKER: I understand that,
24 as I am and many of the other legislators also.
25 But please just share that with everybody there.

2 I know they're putting in countless hours. It
3 just gives me an opportunity to thank you and let
4 you pass that on to them.

5 MR. ZAUSNER: I will do that. Thank you
6 very much.

7 CHAIRMAN DUNNE: Thank you, Legislator
8 Walker.

9 Next item is Item 660-12, it's an
10 ordinance supplemental to the annual
11 appropriation ordinance in connection with the
12 Department of Civil Service.

13 Do I have a motion on it?

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR GONSALVES: Second.

16 CHAIRMAN DUNNE: Legislator Walker,
17 seconded by Norma Gonsalves, Acting Presiding
18 Officer Gonsalves.

19 Who do we have here?

20 MR. MAY: Civil Service Commissioner
21 Carl Camp.

22 CHAIRMAN DUNNE: Carl. Mr. Kampe, I'm
23 sorry.

24 MR. KAMPE: Mr. Dunne, how are you, sir?

25 CHAIRMAN DUNNE: Good. And this is

2 with reference to?

3 MR. KAMPE: This is actually money being
4 put back into my budget in order for me to pay
5 for the process of the Nassau County police exam,
6 which we are holding in December of this year.
7 It is balanced by revenue. We have already taken
8 in approximately \$1.8 million in fees for the
9 examination. But we need this money now in order
10 to pay for different types of things that are
11 necessary in order to hold the exam, such as the
12 renting of tables, chairs. We're going to use
13 the Coliseum and we're going to use the
14 exhibition hall in the Coliseum, for which we're
15 paying no rent, by the way. But there are costs
16 there. Because of the unions involved, we can't
17 have our own security, etcetera, etcetera. So
18 this money is requested to be transferred into my
19 codes so that we can pay the agencies that we're
20 going to need in order to do this police exam.

21 CHAIRMAN DUNNE: Excellent. So it's
22 going for the exam and it's coming from monies
23 that you already brought in through your
24 department.

25 MR. KAMPE: The monies that we already

2 have brought in will be balanced as revenues.

3 CHAIRMAN DUNNE: Terrific. Are there
4 any questions from any legislators?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 There being none, all those in favor
9 indicate by saying aye.

10 (Aye.)

11 Any against?

12 (No verbal response.)

13 Any abstentions?

14 (No verbal response.)

15 There being none, it's unanimous. It
16 gets passed onto Finance.

17 We're going to call Item Number 661-12
18 and 662-12 together. They are both with the
19 medical examiner. Wait a minute. No, no, no,
20 no, no. My mistake. My mistake.

21 661 we're going to do now, and that's an
22 ordinance supplemental to the annual
23 appropriations ordinance in connection with the
24 fire commissioner.

25 LEGISLATOR WALKER: So moved.

2 LEGISLATOR GONSALVES: Second.

3 CHAIRMAN DUNNE: Rose Walker made the
4 motion, seconded by Norma Gonsalves.

5 Who do we have here?

6 MR. MAY: Mr. Chairman, normally we
7 would have Carey Welt from the Fire Commission
8 here to speak on these items. However, as you
9 can imagine, they are stretched rather thin right
10 now. I'll be happy to try to answer any
11 questions that I can on this item. If I cannot
12 answer those questions, I will get the answers to
13 you prior to the Full Legislature.

14 CHAIRMAN DUNNE: I have no objection, as
15 long as there are no questions over your head.
16 Does anybody have any questions on --

17 LEGISLATOR DENENBERG: I had one.

18 CHAIRMAN DUNNE: Yes. Legislator
19 Denenberg.

20 LEGISLATOR DENENBERG: Thank you,
21 Chairman.

22 Is it that we have more people in the
23 fire commission? Why would we be over on the
24 salary line in the fire commission? Did we hire
25 more commissioners?

2 MR. MAY: I would have to find out the
3 exact answer to that question, sir.

4 LEGISLATOR DENENBERG: Oh. I guess
5 that's my question.

6 MR. MAY: And I can certainly get that
7 to you before the Full Legislature.

8 LEGISLATOR DENENBERG: Thank you.

9 CHAIRMAN DUNNE: Okay. Any other
10 questions?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 There being none, all in favor indicate
15 by saying aye.

16 (Aye.)

17 Any against?

18 (No verbal response.)

19 Any abstentions?

20 (No verbal response.)

21 Unanimous.

22 The next two items are the ones that are
23 grouped together, and they are both with the
24 medical examiner.

25 Item 662-12, an ordinance supplemental to

2 the annual appropriations ordinance in connection
3 with the Office of the Medical Examiner.

4 663-12, which is an ordinance
5 supplemental to the annual appropriations
6 ordinance in connection with the Office of the
7 Medical Examiner.

8 Who do we have to speak on this?

9 MR. MAY: We had Mr. Timothy Hahn here.
10 He had to leave due to a personal emergency as
11 his home.

12 CHAIRMAN DUNNE: We did start late, so
13 we can't blame him. In this kind of environment
14 today, with the storm, and everywhere.
15 Hopefully, if there are any questions, you might
16 be able to respond to them, if nobody has any
17 objection.

18 Okay. Motion by?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR BELESI: Second.

21 CHAIRMAN DUNNE: Motion by Legislator
22 Rose Walker, seconded by Legislator Joe Belesi.

23 Okay. Are there any questions from the
24 legislators?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 There being none, all in favor indicate
5 by saying aye.

6 (Aye.)

7 Any against?

8 (No verbal response.)

9 So ordered. It passes onto Finance.

10 The next and last item of this committee
11 is Item 665-12, a local law to amend the County
12 Charter in relation to the county fire
13 commission.

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR BELESI: Second.

16 CHAIRMAN DUNNE: Norma Gonsalves made
17 the motion, seconded by Joe Belesi.

18 Who do we have to speak on this?

19 MR. MAY: Again, I can actually field
20 questions on this item. I was involved in
21 drafting this legislation.

22 The main gist of the legislation is to
23 allow the vice chairmen of the fire battalions to
24 vote in place of the chairmen of the fire
25 battalions in case the chairmen are absent for

2 whatever reason, so that we can ensure that all
3 fire battalions are represented at any vote of
4 the fire commission. Just at the end, I noticed
5 that the provision of the Charter, I think it's
6 Article 17, was labeled fire prevention. I felt
7 it would be more appropriate that it be labeled
8 fire commission, since that's primarily what it
9 deals with.

10 CHAIRMAN DUNNE: Makes sense to me.

11 Are there any questions from any of the
12 legislators?

13 LEGISLATOR DENENBERG: Just a quick one.

14 CHAIRMAN DUNNE: Yes. Mr. Denenberg.

15 LEGISLATOR DENENBERG: Within the fire
16 commission and the battalion chairmen, is this --
17 was this sent around and are the battalions in
18 favor?

19 MR. MAY: As requested by -- I want to
20 make sure that I have the gentleman's name
21 correct. I met with Mr. Richard Gardner, who is
22 the commissioner of the fire -- I believe he is
23 the chief commissioner of the Fire Commission,
24 and he has requested this legislation,
25 specifically.

2 LEGISLATOR DENENBERG: Okay.

3 CHAIRMAN DUNNE: And we also have time,
4 David, to check with the different battalions, if
5 you'd like, to see if they are pro or against.

6 We have a question from Legislator Rose
7 Walker.

8 LEGISLATOR WALKER: I do believe that
9 the battalions were very much in favor of this,
10 correct?

11 MR. MAY: That would be my
12 understanding. I don't think the chief
13 commissioner would be coming in and asking for
14 this legislation if it was opposed by a majority
15 of his commissioners.

16 LEGISLATOR WALKER: Okay. Thank you.

17 CHAIRMAN DUNNE: Any other questions
18 from the legislators?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 There being none, all in favor indicate
23 by saying aye.

24 (Aye.)

25 Any against?

2 (No verbal response.)

3 Any abstentions?

4 (No verbal response.)

5 There being none, it's unanimous.

6 (Whereupon, the following is the
7 continuation of the minutes of the November 5,
8 2012, Rules Committee meeting.)

9 CHAIRWOMAN GONSALVES: All those in
10 favor of these items signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The items pass unanimously.

15 The item that was questioned in Planning
16 and Finance is Item 656; the ordinance
17 supplemental to the annual appropriation
18 ordinance in connection with the Department of
19 Public Works.

20 I did not ask for a motion, so I'm asking
21 for a motion on this item.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRWOMAN GONSALVES: Moved by

25 Legislator Dunne, seconded by Legislator

2 Nicoletello.

3 Again, the testimony of the previous
4 committees be incorporated into the Rules
5 Committee.

6 (Whereupon, the following is the minutes
7 of the Planning, Development and Environment
8 Committee pertaining to Clerk Item 656-2012.)

9 CLERK MULLER: 656-12, an ordinance
10 supplemental to the annual appropriation
11 ordinance in connection with the Department of
12 Public Works.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: And who is here,
16 Mr. May, on this item?

17 MR. MAY: We have Mr. Mike Kelly from
18 Real Estate, by way of Public Works.

19 CHAIRWOMAN GONSALVES: Welcome, Mr.
20 Kelly.

21 MR. KELLY: Thank you. Good afternoon.
22 Michael Kelly, Acting Director, Nassau County
23 Office of Real Estate Services, Department of
24 Public Works.

25 656-12 is a supplemental appropriation to

2 appropriate \$63,333 from the five percent open
3 space fund into the department's DE line in order
4 to fund the Nelson & Pope Engineering contract.
5 The purpose of this contract is to do certain
6 design and survey work, to implement the County's
7 open space plan, to install fencing, signage, and
8 design information kiosks for the open space
9 properties purchased under the 2004 and 2006
10 Environmental Bond Acts.

11 CHAIRWOMAN GONSALVES: Any questions
12 from the legislators? Legislator Denenberg.

13 LEGISLATOR DENENBERG: So, if I'm not
14 mistaken, the five percent fund, which was
15 established I believe in 02, five percent of all
16 real estate transactions which, to this day,
17 still funds that particular open space fund --

18 MR. KELLY: Correct.

19 LEGISLATOR DENENBERG: We're going to
20 use it for \$63,000 so that we can have fences --
21 so that we can design fences and information
22 kiosks?

23 MR. KELLY: The designing -- well, the
24 fences, there's surveying being done by the
25 contractor in order to do the fencing, because

2 you need to have exact boundary lines in order to
3 put up fences, the design of the signs and the
4 design of the information kiosks and the cost of
5 doing the surveys of what's included here. And
6 this was bid out between the county's on-call
7 engineering contractors, Nelson and Pope, and
8 also Lockwood, Kessler & Bartlett, and Nelson and
9 Pope was the winner there.

10 LEGISLATOR DENENBERG: Two questions.
11 First, I don't understand why we can't do that
12 design work or survey work in-house.

13 MR. KELLY: We don't have contractors
14 in-house to do that. We don't have surveyors in-
15 house.

16 LEGISLATOR DENENBERG: With all our
17 acquisitions in the past, going back at least to
18 07, if not 06, you know, and our preservation of
19 this open space fund, two issues. We did surveys
20 for major acquisitions of open space under the
21 Environmental Bond Act --

22 MR. KELLY: Not for all of them. There
23 were many of those acquisitions that surveys were
24 not done.

25 LEGISLATOR DENENBERG: Yeah, but we did

2 a lot in-house too.

3 MR. KELLY: It's not surveying.
4 Surveying was always done by outside contractors.

5 LEGISLATOR DENENBERG: Can you tell me
6 one time we ever raided the five percent fund to
7 hire a surveyor?

8 MR. KELLY: This is the first time we're
9 doing it, because this is when we're implementing
10 a comprehensive plan for the properties that were
11 purchased under the 2004 and 2006 Bond Acts.

12 LEGISLATOR DENENBERG: In general, that
13 five percent fund, we've -- I think the only time
14 I could remember using it have been for a couple
15 of open space acquisitions, most recently to
16 supplement money that was no longer -- I mean, to
17 supplement the purchase price of the Brooklyn
18 Water Works property.

19 MR. KELLY: It was used to supplement
20 the purchase of the Brooklyn Water Works property
21 and for the construction of the farmhouse and/or
22 barn at the East Meadow Farm.

23 LEGISLATOR DENENBERG: Right. And now
24 we're going to use it for a surveyor.

25 MR. KELLY: And that was almost \$2

2 million. This is \$63,000.

3 LEGISLATOR DENENBERG: How much is left
4 in it?

5 MR. KELLY: After this, I believe
6 approximately \$610,000.

7 LEGISLATOR DENENBERG: I just don't
8 understand why, A. we can't do this in-house, I
9 just don't, and, number two, why we're using a
10 five percent fund for open space acquisitions,
11 which is defined broadly, I would agree. But if
12 we're starting to use outside contractors, such
13 as surveyors, then we're going to use this fund
14 for anything.

15 MR. KELLY: Well, the five percent fund
16 is not only limited to open space acquisitions,
17 it also can be used for maintenance and
18 improvement of the open space properties that we
19 purchased.

20 The reason we're using --

21 LEGISLATOR DENENBERG: Having written
22 the law, Mr. Kelly, it can be used for open space
23 purposes. Open space purposes does include park
24 improvement, it does include water resource
25 protection, and it does include open space

1 acquisitions.

2
3 MR. KELLY: Correct.

4 LEGISLATOR DENENBERG: It specifically
5 doesn't include any maintenance. It's arguable
6 if it includes surveying. But I don't even want
7 to get into that. I would implore the rest of
8 the legislators that we shouldn't be using the
9 five percent for outside contractors for
10 surveying.

11 MR. KELLY: Legislator Denenberg, I'd
12 like to add that in all of the acquisitions that
13 we did under the 2004 and 2006 Bond Acts, we used
14 the -- we used the actual environmental bond act
15 to fund things like surveys, do to engineering
16 reports, to do environmental reports on all of
17 these purchases. The fact that we use the
18 environmental bond act, which were bonds we had
19 to pay debt services on, versus using the five
20 percent fund, which we don't have to pay debt
21 service on, is really the same thing.

22 LEGISLATOR DENENBERG: It's not the same
23 thing. The five percent law was created first
24 and it was created under a different act, period.
25 It was. You know, it's a fund that takes a lot

2 longer to build up. And we're using this for
3 acquisitions that had nothing to do with this
4 fund. We're using this for acquisitions that had
5 to do with the environmental bond act fund, not
6 this open space fund. To me, that's a big
7 difference.

8 CHAIRWOMAN GONSALVES: Okay. Legislator
9 Nicoletto.

10 LEGISLATOR NICOLELLO: Mr. Kelly, tell
11 me again what the use is here.

12 MR. KELLY: We are using \$63,333 to
13 perform boundary surveys of two properties,
14 prepare fencing plans for four properties, do
15 engineering designs and specifications for kiosks
16 and decorative signage and for procurement of
17 trail maps for five locations.

18 LEGISLATOR NICOLELLO: In part, what
19 you're doing here is you're going to be
20 identifying and then demarking the parts of the
21 properties that the county owns.

22 MR. KELLY: Correct.

23 LEGISLATOR NICOLELLO: In part what
24 we're going to be doing is creating kiosks and
25 other features that will make it easier and more

2 accessible for the public.

3 MR. KELLY: That is correct.

4 LEGISLATOR NICOLELLO: And these are
5 open space properties that we have previous
6 purchased?

7 MR. KELLY: Correct.

8 LEGISLATOR NICOLELLO: Now, I've been
9 here for a number of years and I, for one, and a
10 number of my colleagues have been very concerned
11 over the fact that these properties were bought
12 and they really haven't been made available for
13 use of our public. So this, in my mind, is
14 exactly what we should be spending this money on.
15 It's going to make these properties more usable.
16 It's going to protect the county taxpayers by
17 identifying and marking the borders of these
18 properties. So this is 100 percent exactly what
19 these types of funds should be spent for.

20 CHAIRWOMAN GONSALVES: Yes. Mr.
21 Denenberg.

22 LEGISLATOR DENENBERG: How could we put
23 a kiosk on open space?

24 MR. KELLY: I see no reason why we can't
25 put a kiosk on open space when it describes

2 what's on the open space.

3 LEGISLATOR DENENBERG: If we bought
4 something that was designated as open space, it
5 has to be preserved in its condition.

6 MR. KELLY: It was not preserved under
7 the preservation law.

8 LEGISLATOR DENENBERG: First of all, I
9 don't know why we need an outside contractor to
10 tell us the best place for a kiosk.

11 CHAIRWOMAN GONSALVES: Mr. Denenberg --

12 LEGISLATOR DENENBERG: And I appreciate
13 that MR. Nicolello thinks this \$63,000 is going
14 to make all the open space accessible; if it is,
15 let's spend the \$63,000 in any one of the number
16 of planning or public works outside contractors
17 or any one of the approved outside contracts that
18 we found money in the general for for our county
19 attorneys.

20 The point is, if we really need this, I
21 don't think we should raise the five percent open
22 space fund when that's really there for open
23 space purposes and not for outside contractors.

24 LEGISLATOR DUNNE: Through the Chair.

25 LEGISLATOR DENENBERG: And I would

2 implore that -- we all know that we couldn't put
3 a new structure or a kiosk on anything that we
4 designated as open space under our own Open Space
5 Protection Law.

6 CHAIRWOMAN GONSALVES: I'm sorry. I
7 have to disagree with you, Mr. Denenberg. We
8 have put on kiosks on preserves in Nassau County.

9 LEGISLATOR DENENBERG: On the right-of-
10 way, not on the park.

11 CHAIRWOMAN GONSALVES: I'm sorry. But
12 one in particular should not have been there to
13 begin with, but I'm not going there.

14 I think your concerns have been addressed
15 and answered by Mr. Kelly, so let's move on.

16 Any other legislators who wish to
17 comment?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor of this item please
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

2 Four to three. The item carries by four
3 to three.

4 (Whereupon, the following is the
5 continuation of the minutes of the November 5,
6 2012, Rules Committee meeting.)

7 CHAIRWOMAN GONSALVES: All those in
8 favor of this item signify by saying aye.

9 (Aye.)

10 All those opposed?

11 (Nay.)

12 It is four to three for Item 656.

13 Now, going back to the items that are
14 standalone for Rules.

15 542, a resolution consenting to the
16 acquisition and use by the Locust Valley Cemetery
17 Association, Inc., of certain land for cemetery
18 purposes pursuant to the County Government Law of
19 Nassau County, the Nassau County Administrative
20 Code, the Not-for-Profit Corporation Law, and the
21 Real Property Law of the State of New York.

22 Motion, please?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Motion by

2 Legislator Dunne, seconded by Legislator Kopel.

3 Any questions? Who is here?

4 With the permission of the Minority,
5 we're going to move this on to the Full Leg. I
6 believe there will be a change or an amendment to
7 this resolution before that Full Leg meeting.

8 So, all those in favor of this item
9 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The motion carries unanimously.

14 664, a resolution to confirm the county
15 executive's appointment of Anthony J. Sabino to
16 the Long Island Regional Planning Council.

17 Motion, please?

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Motion by
21 Legislator Dunne, seconded by Legislator Kopel.

22 Any questions regarding this appointment?

23 LEGISLATOR WINK: Yeah. I just have a
24 quick point.

25 CHAIRWOMAN GONSALVES: Mr. Wink.

2 LEGISLATOR WINK: I want to thank Mr.
3 Anthony Michael Sabino for his efforts on the
4 Regional Planning Council for the time he was
5 there. I understand he was doing the work of two
6 men. So I want to congratulate him, and wish him
7 well going forward.

8 All those in favor of this appointment
9 please signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 There being none, the motion carries
14 unanimously.

15 Item 669, a local law to amend the County
16 Charter in relation to tax levies and the county
17 budget.

18 Motion, please?

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR KOPEL: Second.

21 CHAIRWOMAN GONSALVES: Motion by
22 Legislator Dunne, seconded by Legislator Kopel.

23 Any questions regarding this item?

24 Legislator Abrahams will read his
25 statement. I have a statement as well pertaining

2 to this item. I would like to read a brief
3 statement into the record.

4 As all of you know, the County
5 Legislature recently lost one of its own with the
6 untimely and tragic passing of Presiding Officer
7 Peter Schmitt. His death was a tremendous loss
8 to this body, not only to the Legislature but
9 also to his constituents who he represented in
10 the 12th Legislative District.

11 The County Charter requires the
12 Legislature to adopt a budget by October 30 of
13 this year. Since the day the Legislature was
14 created, we have never adopted a budget on
15 contravention of this deadline. However, with
16 the death of Presiding Officer Peter Schmitt, the
17 residents of the 12th Legislative District were
18 left without representation in the County
19 Legislature. It seemed appropriate with so many
20 people left unrepresented on such an important
21 vote, that the passage of the budget be delayed
22 until the seat of the 12th Legislative District
23 be filled.

24 Accordingly, I have taken the liberty of
25 introducing this local law today, to delay the

2 passage of the budget until at least November 30,
3 which I believe can be accomplished without any
4 recourse to the county taxpayers. And I have
5 asked the county attorney to provide counsel to
6 the legislature today as to any questions or
7 concern that members of this body might have.

8 With that, I open the floor to Minority
9 Leader Kevan Abrahams.

10 LEGISLATOR ABRAHAMS: Thank you,
11 Presiding Officer Gonsalves.

12 I would like to state today, for the
13 record, that this proposed amendment to the
14 County Charter is completely unnecessary.
15 Following the tragic and untimely death of
16 Presiding Officer Peter Schmitt and before any of
17 us heard of Hurricane Sandy, our caucus had
18 reached out to the county executive and expressed
19 a willingness to work in a bipartisan fashion to
20 pass the 2013 budget by the October 30 deadline,
21 as state in our Charter.

22 To this date, our overtures were ignored
23 and disregarded, and any mandated legislative
24 action regarding the 2013 budget were either
25 cancelled or postponed. Again, this occurred

2 well before Sandy was even a blip on the radar.

3 It is clear that this legislative item
4 before us today would violate the Charter.
5 Unfortunately, this is an example of the way this
6 administration and, unfortunately, my colleagues
7 to the right of this Legislature, have decided to
8 operate our government when they don't like the
9 rules of the game. They just vote to change the
10 rules of the game retroactively.

11 Such was the case with the King/Mangano
12 Law, which was ultimately struck down by our
13 federal court. This is contrary to the basic
14 concept of the rule of law, which is about
15 playing by the rules.

16 This proposed Charter amendment weakens
17 and undermines our respect for the basic
18 blueprint of our county government. This is
19 wrong, sad, and especially in the time when our
20 residents expect and demand that all sides
21 communicate and work together. On this item, we
22 will vote no.

23 Thank you.

24 CHAIRWOMAN GONSALVES: Thank you, Mr.
25 Abrahams.

2 Legislator Kopel.

3 LEGISLATOR KOPEL: I appreciate the
4 sentiments of my friends to the left, as
5 expressed by Minority Leader Kevan Abrahams. But
6 I must say they don't address the essential fact,
7 which is that the people of that district are not
8 represented. They do deserve representation.
9 They should have it.

10 I suspect that not only would they be
11 offended if we went ahead and did such an
12 important thing without their input, but I
13 further suspect that in virtually the entire
14 county, I bet you wouldn't find more than a
15 handful of honest people who would object on
16 these grounds and who wouldn't say, yes, it's
17 entirely appropriate to postpone something
18 because of the untimely death of the majority
19 leader. I just -- I just heard politicization of
20 this issue and that's very sad.

21 Thank you.

22 LEGISLATOR ABRAHAMS: I'm going to
23 comment to -- Legislator Kopel directed some
24 comments towards me and towards our side of the
25 aisle.

2 I feel sorry that you feel that way,
3 Legislator Kopel. But the fact remains that this
4 particular legislation, we could have done what
5 was right by the people of the 12th Legislative
6 District by just working together and coming to a
7 compromise. I think for the fact for you to say
8 that this is being politicized, I think it's
9 totally inappropriate.

10 From our standpoint, working on the
11 betterment of not just the residents on the
12 democratic districts versus the republican
13 districts, we were willing to work with all
14 parties, for all districts, including the 12th
15 District.

16 So, for our standpoint, there was not
17 politicization of this. We wanted to focus on
18 passing a budget on time. Instead, we're voting
19 for a mechanism, which basically leads us down a
20 track where in the next 10 to 15 years someone
21 else may not decide to pass a budget on time, for
22 whatever various reason, and now we are giving
23 them the very blueprint and precedent to do it.
24 I think from that standpoint, I think it's
25 definitely a knock on this legislative practice.

2 Because I think from any particular standpoint,
3 we do not want to go down a path where suddenly
4 we could change the rules and then suddenly we
5 could just vote on a budget, if not by November
6 30, by December 31. Why not go into 2013 or the
7 following year itself?

8 I think from that point of view, it's not
9 like you didn't have a partner that was willing.
10 We've made overtures to the county executive. We
11 wanted to pass the budget on time. And we did
12 not get anywhere with those overtures. If
13 anything, that is the focus of why we didn't
14 receive any response to what we were trying to
15 do. Rather than wait until an election -- and,
16 yes, I think it's very important that there's
17 representation here from the 12th District. But
18 I think ultimately we could have done the right
19 thing. This legislative body, I would like to
20 think the 18 members here care about the folks in
21 Massapequa Park or Massapequa and Seaford,
22 regardless of whether we live there or not. And
23 I would like to think that that was our focus on
24 the budget, and that's why we wanted to see that
25 go through.

2 CHAIRWOMAN GONSALVES: Legislator
3 Nicoletto.

4 LEGISLATOR NICOLELLO: As far as this
5 being some sort of precedent for the future, this
6 has really presented a unique set of facts, and
7 really a tragic set of fact, where you had a
8 presiding officer who passed away just as we were
9 about to enter into the budget process, and had a
10 vacancy in his seat. It's not -- it doesn't
11 create a precedent for the future. God willing,
12 this set of fact won't ever arise for this
13 legislature. If something like this tragically
14 would happen again, then, by all means, they
15 should take whatever action is appropriate,
16 number one.

17 Number two. A couple of times I've heard
18 it said that we could do what's right by the
19 people of the 12th District. Well, they -- none
20 of us represent that district. We each represent
21 our own individual districts. They deserve
22 somebody who lives there and represents them. We
23 could say we know what's best for them, but we
24 don't. The whole purpose of this legislature is
25 that they have representation.

2 A short delay so that we can get this
3 budget done. Ultimately, when the budget year
4 starts on January 1 of next year, it will have no
5 impact whatsoever. But a short delay so that
6 those people who don't have a representative, do
7 have a representative in this, the most important
8 big thing that this legislature does.

9 Thank you.

10 CHAIRWOMAN GONSALVES: Legislator
11 Jacobs.

12 LEGISLATOR JACOBS: I just wanted to say
13 that there's no question that we were all
14 heartbroken over the loss of Peter, and that goes
15 without saying. Obviously, nothing I'm about to
16 say has, in any way diminishes that emotional
17 feeling we all have.

18 The Charter is the Charter is the
19 Charter. As flawed as it is, and it is flawed in
20 many areas of it -- its contradictory. I've said
21 from the very beginning of this legislature,
22 somebody has to sit down with it, take the papers
23 out, reshuffle them, and come back and do
24 something that makes sense.

25 For us to pass an amendment to the

2 Charter is a pretty serious move to make, in my
3 mind. I'll tell you. Maybe because I was
4 presiding for a number of years. I have never
5 thought that the votes I take in a global nature
6 are ever just because it's good for my district
7 but because I'm voting for all the people. I
8 have never looked at something through narrow
9 eyes but through the broader picture.

10 To be honest with you, I realize we've
11 all suffered a tremendous loss here. The new
12 person certainly is not going to be seasoned by
13 November 30 or know what's gone into this whole
14 process.

15 I am going to vote no, not in any way to
16 show disrespect for my friend, Peter, but to show
17 respect for the Charter that keeps us alive here.
18 Especially -- not even especially. For the
19 Charter that keeps us alive. The footnote is
20 that we agreed to give at least two votes to put
21 the budget passed. In fact, we almost had a
22 unanimous feeling on our side, that in light of
23 what had happened, we would all be together in
24 passing this budget. So I don't see any reason
25 to start fooling with the budget -- with the

2 Charter.

3 That's all I want to say.

4 CHAIRWOMAN GONSALVES: Member of the
5 Minority, you need to know that this was not done
6 in the interest of partisanship. We do recognize
7 the fact that you did send out an olive branch
8 for us to get the budget passed on time. It
9 certainly was appreciated at that particular
10 time. However, we still felt strongly about the
11 fact that with Peter's passing, someone should be
12 sitting in his seat when we take the vote on the
13 budget, which impact on his districts and, it's
14 true, on the entire Nassau County.

15 Again, I say thank you for the olive
16 branch that you reached out to us in trying to
17 get the budget passed in the end of October.
18 But, unfortunately -- fortunately, I would say,
19 it was the feeling of the Majority that we should
20 wait until Peter Schmitt's representative is on
21 board.

22 Like everyone else, I know that we all
23 need to have an opportunity to learn the system.
24 But remember one thing; we were also newcomers in
25 1996, and we were learning when we were on the

2 job. I wasn't here in 1996, but I knew exactly
3 what the legislature was all about. As one who
4 was part of the workshop commission on the
5 charter revision, I knew what the Charter had
6 provided. And I will tell you right now, the
7 Charter needs a lot of work.

8 There were many flaws in the Charter.
9 Even if I tried to object at that time, since I
10 was only an observer, it was impossible. So
11 maybe that's something we can look at in the
12 future so that we can certainly act in a truly
13 bipartisan nature.

14 I know what the -- I understand the
15 feelings that you have, but I also understand the
16 feelings that my colleagues in the Majority have
17 as well.

18 Without any further adue, I would like to
19 entertain -- not entertain -- ask for a motion, a
20 vote on this item, 669.

21 All those in favor of Item 669-12
22 indicate by saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

2 It's four to three.

3 Now we have only one item. I believe
4 there was question in Finance and was holding it
5 separately.

6 Item 674, a resolution to authorize the
7 transfer of appropriations heretofore made within
8 the budget for the year 2012.

9 I need a motion on this item.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator Kopel.

14 Are you prepared to talk about this, Mr.
15 May?

16 MR. MAY: Oh, no. We will have Ms. Lisa
17 LoCurto field the questions.

18 CHAIRWOMAN GONSALVES: Lisa, do you want
19 to come back up here?

20 MR. MAY: She probably doesn't want to
21 either, but she will.

22 CHAIRWOMAN GONSALVES: Do you want to
23 ask -- we'll just pass it on. Okay.

24 Lisa, you're sparred. You don't have to
25 stand up there again.

2 MS. LOCURTO: I apologize. I didn't
3 mean to be truant.

4 CHAIRWOMAN GONSALVES: No problem.
5 Incorporate the testimony from the
6 Finance Committee into the Rules Committee.

7 (Whereupon, the following is the minutes
8 from the November 5, 2012, Finance Committee
9 pertaining to Clerk Item Number 674-12.)

10 Item 674-2012, a resolution to authorize
11 the transfer of appropriations heretofore made
12 within the budget for the year 2012.

13 LEGISLATOR BELESI: So moved.

14 LEGISLATOR GONSALVES: Second.

15 CHAIRMAN NICOLELLO: Moved by
16 Legislator Belesi, seconded by Legislator
17 Gonsalves.

18 Do we have any questions on Item 674?

19 LEGISLATOR DENENBERG: Yes, we do.

20 CHAIRMAN NICOLELLO: Alright. Mr. May.

21 MR. MAY: We have Ms. Lisa LoCurto from
22 the County Attorney's Office to answer any
23 questions.

24 MS. LOCURTO: Lisa LoCurto, County
25 Attorney's Office.

2 CHAIRMAN NICOLELLO: What's this
3 transfer?

4 MS. LOCURTO: This is a transfer, a
5 board transfer to the county attorney DE line.
6 It is monies that will be used to aid us in the
7 defense of the Kogart (phonetic) trial, which is
8 a trial with potential liability of \$190 million.
9 It is currently being tried in the federal court
10 before Judge Siebert.

11 The trial was momentarily interrupted by
12 the hurricane, but it is still going full speed
13 ahead and proceeding. This money is necessary
14 for the county to obtain the expert witnesses
15 necessary to testify, to house the witnesses, and
16 to allocate whatever resources are necessary in
17 the defense of the litigation.

18 CHAIRMAN NICOLELLO: Which law firm is
19 defending the county in that case?

20 MS. LOCURTO: Lewis & Fiore, which is
21 the top criminal defense firm in the state. Even
22 thought this is a civil trial, basically it is a
23 retrial of the criminal case where three men were
24 incarcerated --

25 CHAIRMAN NICOLELLO: We know the

2 facts.

3 MS. LOCURTO: and it was overturned.
4 That's the case.

5 CHAIRMAN NICOLELLO: On the other side
6 of this case, the plaintiff's attorneys, is that
7 from the Innocence Project, I understand.

8 MS. LOCURTO: Yes, they are. Barry
9 Schecht is leading the team from the Innocence
10 Project.

11 CHAIRMAN NICOLELLO: You're dealing
12 with, you know, legal heavyweights.

13 MS. LOCURTO: Yes. Absolutely.

14 CHAIRMAN NICOLELLO: Okay.

15 Any other questions? Legislator
16 Denenberg.

17 LEGISLATOR DENENBERG: This \$750,000 is
18 only for expert witnesses or is it for the law
19 firm as well?

20 MS. LOCURTO: It's for the law firm as
21 well.

22 LEGISLATOR DENENBERG: Okay. How much
23 is for the law firm? How much for the expert
24 witnesses? Or you don't have that at your
25 disposal.

2 MS. LOCURTO: I don't have it at my
3 disposal.

4 LEGISLATOR DENENBERG: Okay. How much
5 have we already spent on this firm?

6 MS. LOCURTO: I can get the specific
7 number for you. I would say it's well over
8 700,000.

9 LEGISLATOR DENENBERG: I guess my first
10 concern is we know it's going to trial --

11 MS. LOCURTO: It's in trial right now.

12 LEGISLATOR DENENBERG: and we know how
13 much they bill -- I'm sorry?

14 MS. LOCURTO: We are on trial right now.
15 The plaintiffs have finished their case, and we
16 are now putting on our defense.

17 LEGISLATOR DENENBERG: And when did we
18 know it was going to trial?

19 MS. LOCURTO: We were short circuited by
20 Judge Seibert. We were ordered to go to trial
21 September 17 of this year.

22 LEGISLATOR DENENBERG: And at that point
23 -- it just seems to me at that point we knew that
24 we -- that the amount going to this firm was
25 going to be higher than what was already

2 dispensed. It sounds like we're now approving
3 money that, at least in part, had to have been
4 spent already. Right? We had to have had our
5 expert witnesses there to hear the plaintiff's
6 case or to advise us on cross examination, I
7 would think, right?

8 MS. LOCURTO: There are many factors
9 that entered into why we need additional monies.
10 First, this case had been lingering in the county
11 attorney's office for over five years. We
12 received rulings from -- I'm sorry. I'm sorry. I
13 lost my train of thought.

14 The court has ruled. We had anticipated
15 a much lengthier discovery period. The court
16 unfortunately shortened our discovery period to a
17 four month period. We were forced to compress
18 the timeframe to develop, get the experts, and
19 put on an effective trial case to defend a \$190
20 million lawsuit. I think the money is well spent
21 because the potential liability to the county is
22 extreme and we feel it would be detrimental to
23 the county not to put on a fair and accurate
24 defense.

25 LEGISLATOR DENENBERG: I'm sorry. I

1
2 guess you're not understanding my question, and
3 that's not why we're spending or why we're hiring
4 an outside contractor, or whether we're getting a
5 good deal from this outside firm, or even whether
6 we need the outside firm. I'm questioning why
7 you're coming to the legislature now for another
8 750,000, which we have no choice but to spend, it
9 sounds like, when we knew that it was being
10 rushed to trial as early as September. Overall,
11 by the way, I practice trial work for a lot of
12 federal cases. My entire practice is almost all
13 federal cases. When it's rushed to a trial, you
14 almost always spend less in legal fees than if
15 you had a long protracted discovery process. So
16 I think ultimately this may cost us less not
17 more. My issues is in September you know it's
18 going to trial, and now in a committee on
19 November 5, we're getting a request for 750,000,
20 most of which it sounds like we spent already. I
21 don't know why you couldn't come to us in October
22 or September.

23 CHAIRMAN NICOLELLO: She's answered
24 that question already. Do we have any other
25 questions?

2 LEGISLATOR DENENBERG: Please tell me
3 what the answer was, because I didn't hear it.

4 CHAIRMAN NICOLELLO: She's told you
5 twice that --

6 LEGISLATOR DENENBERG: And thanks for
7 coaching the witness. That's good.

8 CHAIRMAN NICOLELLO: She's told you
9 twice that because of the judge rushing this to
10 trial it expedited the schedule.

11 LEGISLATOR DENENBERG: She said in
12 September.

13 CHAIRMAN NICOLELLO: Would you let me
14 finish?

15 LEGISLATOR DENENBERG: You're not
16 supposed to be answering anyway. That's really
17 the point.

18 CHAIRMAN NICOLELLO: As the committee
19 chairman --

20 LEGISLATOR DENENBERG: She knew it in
21 September.

22 CHAIRMAN NICOLELLO: I can cut off
23 debate when it gets repetitive, redundant, and
24 abusive, and I'll do it at some point. What I'm
25 trying to do is facilitate this.

2 LEGISLATOR DENENBERG: There wasn't any.
3 There wasn't any. Come on, Mr. Nicoletto.

4 CHAIRMAN NICOLELLO: When you ask the
5 same question three times, you get the answers
6 and then you ask it a fourth time, it gets
7 repetitive and abusive. She answered the
8 question. The answer that the county attorney
9 has given you is that because the judge had
10 ordered this to an immediate trial there were
11 more expenses incurred in a shorter time period.
12 Whether it's actually cheaper in the long run or
13 not. But it's a shorter period and the county
14 attorney has to adjust, in terms of paying for
15 their expert witnesses, in terms of putting on a
16 defense. She said that. Everyone here
17 understood that. So stop asking the same
18 question. Ask something else.

19 LEGISLATOR DENENBERG: Everyone
20 understood we knew that in September. Why did we
21 wait from September until November to request the
22 money from us? The judge's order was in
23 September, correct?

24 MS. LOCURTO: Unfortunately, because of
25 the process in getting appropriations, we

2 probably did not -- not probably -- we did not
3 meet the deadlines in time to file this to get it
4 to you in September. Obviously, October of this
5 year was a very difficult and trying year --
6 trying month, coupled with the hurricane coming
7 in, it has added exponentially, expenses and
8 costs that were not anticipated. Moving expert
9 witnesses who are clear across the country for
10 DNA analysis, hair analysis, fingerprint
11 analysis, who are all over the country. It is
12 not inexpensive and easy to move people in the
13 middle of a hurricane. I apologize that we
14 couldn't get this to you as immediately as
15 possible. But as humanly possible, it was
16 presented before this legislature for your
17 consideration.

18 LEGISLATOR DENENBERG: When was the
19 judge's ruling?

20 MS. LOCURTO: The judge's ruling -- I
21 will get an exact date of the ruling for you.

22 LEGISLATOR DENENBERG: Sometime in
23 September?

24 MS. LOCURTO: Yes.

25 LEGISLATOR DENENBERG: Okay. Now, we're

2 taking this money from fringe benefits?

3 MS. LOCURTO: Yes. It appears -- yes.

4 LEGISLATOR DENENBERG: How is it that
5 the fringe benefit state retirement system of the
6 general fund -- maybe Mr. Sullivan's the right
7 one to answer. But how it is that we have that
8 money?

9 MR. SULLIVAN: As you're aware, we
10 reduced the headcount. We're down to 7409 now.
11 So we're probably 1,000 heads than we were not
12 too long ago. When we do the budget --

13 LEGISLATOR DENENBERG: I thought we did
14 budget --

15 CHAIRMAN NICOLELLO: Please let the
16 witness continue answering.

17 LEGISLATOR DENENBERG: I'm sorry you're
18 not happy.

19 CHAIRMAN NICOLELLO: It's not being
20 happy. I want to hear from him. I don't want to
21 hear from you.

22 LEGISLATOR DENENBERG: I'm not happy
23 that we're here today, to begin with. I think we
24 should be in our districts.

25 CHAIRMAN NICOLELLO: There's nothing

2 keeping you here.

3 Mr. Sullivan.

4 MR. SULLIVAN: We're below budget in our
5 fringe benefits. Also, last year the state came
6 out with a rate that was lower. A lot of times,
7 as we're doing now with our budget, we predict a
8 rate as best we can, based on information from
9 New York State regarding health insurance. Last
10 year health insurance came out substantially
11 lower than was predicted.

12 LEGISLATOR DENENBERG: Health insurance,
13 as far as our reimbursement or, like,
14 Medicare/Medicaid?

15 MR. SULLIVAN: The cost. Not Medicare
16 and Medicaid. The cost for the NYSHIP.

17 LEGISLATOR DENENBERG: Okay. Okay.
18 Thank you.

19 MR. SULLIVAN: Thank you, sir.

20 LEGISLATOR DeRIGGI-WHITTON: Can I just
21 ask a quick question?

22 CHAIRMAN NICOLELLO: Legislator
23 DeRiggi-Whitton.

24 LEGISLATOR DeRIGGI-WHITTON: It's sort
25 of a general question. Is there any type of

2 scheduled fee for outside counsel? For instance,
3 like trial prep and things like that. Is there a
4 scheduled fee?

5 MS. LOCURTO: The county attorney's
6 office has a prequalified panel for attorneys,
7 and we do set panel rates. However, given the
8 nature of certain types of cases, the rate for
9 compensation may vary slightly.

10 I will tell you that the municipal rates
11 that we demand of our attorneys on the panel are
12 the lowest municipal rates in the entire State of
13 New York. So the county is getting a good value
14 for the money that it's charged by our counsel.

15 LEGISLATOR DeRIGGI-WHITTON: Did I
16 understand you correctly that we're moving
17 witnesses now for testimony?

18 MS. LOCURTO: Yes, we are. The county
19 attorney's case was supposed to begin -- the
20 trial began September 17. The plaintiff rested
21 their case October 24, and the county was
22 supposed to begin its case on October 29, right
23 when the hurricane was beginning. So now we have
24 to rearrange hotels, rearrange the experts'
25 availability. That's what's going on now.

2 LEGISLATOR DeRIGGI-WHITTON: The courts
3 are still closed, correct?

4 MS. LOCURTO: No, not in federal court.
5 They are not.

6 LEGISLATOR DeRIGGI-WHITTON: So you have
7 a new date for that.

8 The thing that just concerns me is as
9 long as we have some type of control -- I
10 understand the use of certain attorneys for
11 certain cases and all. I understand that. But I
12 just am concerned about how the bills come in.
13 If there is no set scheduled fee, if it's just
14 kind of determined by a panel, we have no say as
15 to what the bill is when it comes in.

16 MS. LOCURTO: I would disagree with your
17 statement. What I said is there is a set fee
18 that the county attorney's office sets for --

19 LEGISLATOR DeRIGGI-WHITTON: Could I --

20 MS. LOCURTO: all the attorneys on the
21 panel.

22 LEGISLATOR DeRIGGI-WHITTON: I would
23 like to just see a copy of that, if that's
24 possible. If you could just send that to me.

25 MS. LOCURTO: Certainly.

2 LEGISLATOR DeRIGGI-WHITTON: I'm just --

3 MS. LOCURTO: I will get that
4 information to you.

5 LEGISLATOR DeRIGGI-WHITTON: It 750,000
6 is customary for what trial prep and everything
7 else would be, then that's fine.

8 When we approve these funds, it would
9 just help us to have a frame of reference as to
10 if it is in line with what our standards are.

11 Thank you.

12 CHAIRMAN NICOLELLO: Any other
13 legislators have questions?

14 (No verbal response.)

15 I'm going to call the question.

16 Any public comment?

17 (No verbal response.)

18 All those in favor of this item signify
19 by saying aye.

20 (Aye.)

21 Those opposed?

22 (Nay.)

23 Passes by a vote of four to three.

24 (Whereupon, the following is the
25 continuation of the minutes of the November 5,

2 2012 Rules Committee meeting.)

3 All those in favor of this item signify
4 by saying aye.

5 (Aye.)

6 Any opposed?

7 (Nay.)

8 The item passes four to three.

9 I thank you very much.

10 Motion to adjourn?

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR KOPEL: Second.

13 CHAIRWOMAN GONSALVES: Motion by

14 Legislator Dunne, seconded by Legislator Kopel.

15 All those in favor?

16 (Aye.)

17 Safe home everybody.

18 (Whereupon, the Rules Committee adjourned
19 at 5:14 p.m.)

20

21

22

23

24

25

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of November, 2012.

FRANK GRAY